

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
McALLEN DIVISION**

MARIA AGUILAR QUINTANILLA

Plaintiff,

vs.

FRIS CHKN LLC AND
CAJUN RESTAURANTS LLC

Defendants.

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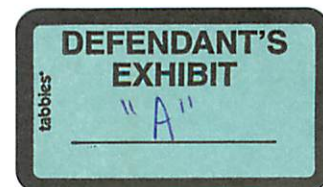
CASE NO. M- 7:13-605

**DEFENDANTS FRIS CHCK LLC AND CAJUN RESTAURANTS LLC'S
FIRST AMENDED ORIGINAL ANSWER**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME **FRIS CHCK LLC AND CAJUN RESTAURANTS LLC**, Defendants in the above-entitled and numbered cause, and file this their **FIRST AMENDED ORIGINAL ANSWER** replying to PLAINTIFF'S SECOND AMENDED ORIGINAL PETITION and for same say:

1. Defendants admit that Plaintiff resides in Mission, Hidalgo County, Texas as alleged in paragraph 2 of Plaintiff's petition but deny that Defendants are limited liability Texas companies as alleged. Defendants admit that Fris Chkn LLC is a Delaware corporation with its principal place of business in Arizona and Cajun Restaurants LLC is a Delaware corporation with its principal place of business in Georgia.
2. Defendants admit that venue and jurisdiction are proper in this court based upon the allegations set forth in paragraph 3 of Plaintiff's petition.



3. Defendants admit that on April 2, 2013, Plaintiff went to Defendants' restaurant located in Mission, Hidalgo County, Texas and that there was a handicap ramp and two handicap parking spaces positioned in front of the restaurant as alleged in paragraph 4. However, Defendants deny that the wheel stop, the handicap parking spaces, and the handicap ramp were in violation of State and Federal codes, acts, standards, laws, and regulations. Defendants lack sufficient knowledge or information to form a belief about the truth of all other allegations of paragraph 4.

4. Defendants admit only that Plaintiff was a business invitee and that Defendant Fris Chkn LLC owned the property in question and that Defendant, Cajun Restaurants LLC occupied such property at the time of the incident as alleged in paragraph 5 of Plaintiff's petition. Defendants deny all remaining allegations of paragraph 5.

5. Defendants deny that they are liable to Plaintiff in any manner or amount and deny the allegations contained in paragraph 6 of Plaintiff's petition and further deny the amount alleged is fair and reasonable compensation.

6. The allegations in paragraph 7 of Plaintiff's petition state a legal conclusion for which no response is required, to the extent a response is required then Defendants deny that they are liable to Plaintiff in any manner.

7. The allegations in paragraph 8 of Plaintiff's petition state a legal conclusion for which no response is required, to the extent a response is required then Defendants deny that they are liable to Plaintiff in any manner.

AFFIRMATIVE AND OTHER DEFENSES

8. Defendants assert that the wheel stop in the parking space was open and obvious.

9. Defendants assert that Plaintiff failed to exercise ordinary care by failing to keep a proper lookout and Plaintiff was contributorily negligent in causing the alleged injuries and damages.

10. Defendants further state that Plaintiff's alleged injuries and damages may be due in whole or in part to pre-existing conditions.

PRAYER

WHEREFORE, Defendants pray that Plaintiff recover nothing from them by way of this suit; that Defendants recover costs of court, and for such other and further relief, both at law and in equity, to which these Defendants may be justly entitled.

Respectfully submitted,

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BY: 

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ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on October 9th, 2014, the following counsel of record, who are deemed to have consented to electronic service, are being served with a copy of the foregoing Defendants Fris Chkn LLC and Cajun Restaurants LLC's First Amended Original Answer through the Court's CM/ECF under the Federal Rules of Civil Procedure:

Via E-File

Michael J. Cisneros
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AUDREY A. HAAKE